

On March 3, 2010, Marcus Chandler (“Chandler”), who is a prisoner currently incarcerated at the Ohio State Penitentiary (“OSP”), filed the underlying action *pro se* under [42 U.S.C. § 1983](#) alleging “deliberate indifference” to his medical needs and cruel and unusual punishment in violation of the Eighth Amendment. [ECF No. 1](#). On August 30, 2010, Chandler filed a motion requesting the Court to appoint counsel pursuant to [28 U.S.C. § 1915\(e\)](#). Chandler argues that he is in need of appointed counsel due to his inability to afford counsel, limited knowledge of the law, and limited access to the law library. [ECF No. 15](#).

In civil rights cases, prisoners have no constitutional right to appointed counsel.

McMillan v. Fielding, 136 Fed.Appx. 818, 820 (6th Cir. 2005) (citing Glover v. Johnson, 75 F.3d 264, 268 (6th Cir. 1996)). Rather, within its discretion, the Court “may request an attorney to represent any person unable to afford counsel.” 28 U.S.C. § 1915(e)(1). This power is within the sound discretion of the District Court and is justified only in cases of “exceptional circumstances.” Gregg v. SBC/Ameritech, 321 Fed.Appx. 442, 447 (6 Cir. 2009) (citing Lavado v. Keohane, 992 F.2d 601, 605 (6th Cir. 1993); see also Reneer v. Sewell, 975 F.2d 258, 261 (6th Cir. 1992). In making its determination, the court should analyze the plaintiff’s efforts to obtain counsel, the status of his financial resources, and the merits of his claim. See Cleary v. Mukasey, 307 Fed.Appx. 963, 965 (6th Cir. 2009) (citing Henry v. City of Detroit Manpower Dept., et al., 763 F.2d 757, 760 (6th Cir. 1985).

After reviewing the proper criteria in Plaintiff’s case, the Court finds that Chandler has been articulate and prompt in his pleadings and communications with the Court thus far.¹ Upon further review of the pleadings, the undersigned also finds that Chandler has been able to adequately present his claims before the Court, thereby supporting the undersigned’s conclusion that this is not a case of exceptional circumstance. Therefore, Chandler’s instant motion for the appointment of counsel is hereby denied.

¹ Chandler filed a motion to compel discovery and a motion for a temporary restraining order, in which he asserted the correct law and provided cohesive facts. ECF Nos. 6 & 7.

II. Conclusion

For the foregoing reasons, the Court denies Marcus Chandler's Motion for Appointment of Counsel.

IT IS SO ORDERED.

September 1, 2010

Date

/s/ Benita Y. Pearson

United States Magistrate Judge